

REMARKS

Claims 3 to 29 were pending when last examined. Applicant notes that claims 1 and 2 were canceled in the February 2, 2005 Amendment in response to the November 2, 2004 Office Action. In the current Amendment, Applicant has amended claims 3 and 7.

§ 102(b) Rejection

The Examiner rejected claim 3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,834,073 ("Bledsoe et al."). Applicant has amended claim 3 to further distinguish over Bledsoe et al. Claim 3 now recites:

Claim 3 (currently amended): A stretching apparatus, comprising:

a base;

a back support mounted to the base;

at least one leg support pivotally mounted to the base, the leg support providing a single rigid surface for supporting an entire leg;

a sliding foot pedal mechanism, comprising:

a first bracket slidably mounted along the leg support;

a foot pedal pivotally mounted to the first bracket;

a fastener linking a free end of the foot pedal to the first bracket, wherein an inclination of the foot pedal is varied by adjusting the fastener.

Claim 3 (emphasis added). The recited leg support has a single rigid surface so that the entire leg, including the knee, rests upon the leg support. Thus, the knee is not bent when stretching with the apparatus.

Bledsoe et al. does not disclose a "leg support pivotally mounted to the base ... providing a single rigid surface for supporting an entire leg" as recited in claim 3. Instead, Bledsoe et al. discloses a leg support frame structure 50 that consists of (1) a thigh support (telescoping tubes 196 and 198) pivotally connected to (2) a calf support (telescoping tubes 206 and 208) that together support the entire leg. Leg support frame structure 50 allows the flexing of the hip and knee.

Referring now to FIGS. 1-3 and 5, the leg support frame structure 50, to which the exercised leg 16 may be operatively connected, comprises two spaced apart pairs of telescopingly engaged thigh support tubes 196 and 198. The outer ends 200 of the tubes 196 are received and locked within the bores 186 of the connecting members 194. Secured to the outer ends 202 of the tubes 198 are a pair of small connecting tabs 204. The telescoped tube pairs 196, 198 define an end portion of the leg support frame structure 50 which may be adjusted in length by means of locking screws 206 which are operative to permit the tubes 198 to be locked at predetermined locations along their corresponding tubes 196.

The support frame structure 50 also includes oppositely disposed pairs of telescopingly engaged calf support tubes 206 and 208. Yoked outer ends 210 of tubes 206 are pivotally connected to the connecting tabs 204 at points 212 which may be aligned with the knee joint 14 of the supported leg 16.

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Referring now to FIGS. 1-3 and 8, the tubes 206 are intersecured by a pair of curved, overlapping calf support cradle members 232, each of which is connected to one of the tubes 206 by clamp members 233. These cradle members 232 serve to support the lower leg portion 26 and provides a depth adjustment thereof. Two pairs of aligned slots 234, 236 are formed through the cradle members 232 and are maintained in alignment by a pair of alignment pin members 238 extending through each of the slot pairs. The cradle members 232 are flexible and may be moved relative to one another to increase or decrease the distance that they extend below the tubes 206.

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Similarly depth-adjustable overlapping curved thigh support cradle members 242 are secured to the tubes 198, and serve to support the upper leg portion 24 as illustrated in FIGS. 2 and 3. To maintain the overlapping support cradle members 242 in their depth-adjusted position, a leg strap member 244 is provided which is interconnected between the cradle members 242 and passes beneath them. Also interconnected between the tubes 198 is an adjustable securing strap member 246 which passes over the upper leg portion 24 as illustrated in FIGS. 2 and 3. For illustrative clarity, the cradle members 232 and 242 have been omitted from FIG. 5.

Bledsoe et al., col. 4, lines 20 to 39, col. 12, lines 7 to 19, 28 to 40 (emphasis added). Instead of a single rigid surface that supports an entire leg, Bledsoe et al. discloses a leg support frame structure 50 that consist of a thigh support pivotally connected to a calf support.

Bledsoe et al. does not disclose "a sliding foot pedal mechanism, comprising: a first bracket slidably mounted along the leg support" as recited in claim 3. Instead, Bledsoe et al. discloses a foot

support with a U-shaped foot support bracket 248 that is pivotally connected to calf support tubes 208 by a pin 256. See Figs. 1, 2, 3, and 5.

For the above reasons, claim 3 is patentable over Bledsoe et al.

§ 103 Rejections

The Examiner rejected claims 4 to 6 under 35 U.S.C. § 103(a) as being unpatentable over Bledsoe et al. further in view of other references.

Claims 4 to 6 depend from claim 3 and are therefore patentable over the cited references for at least the same reasons as claim 3.

Objected Claims

The Examiner objected to claims 7 to 10 as being dependent upon a rejected base claim but indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 7 as suggested by the Examiner and therefore claim 7 is in condition for allowance.

Claims 8 and 9 depend from claim 7 and are therefore patentable over the cited references for at least the same reasons as claim 7. Thus, claims 8 and 9 are in condition for allowance.

Claim 10 depends from claim 3, which Applicant believes is patentable over the cited references. Thus, Applicant has not amended claim 10 to independent form and submits that claim 10 is patentable over the cited references for at least the same reasons as claim 3.

Allowed Claims

Applicant thanks the Examiner for allowing claims 11 to 29.

In summary, claims 3 to 29 were pending in the above-identified application when last examined. This Response amends claims 3 and 7. For the above reasons, Applicant respectfully requests allowance of claims 3 to 29. Should the Examiner have any questions, please call the undersigned at (408) 382-0480.

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Respectfully submitted,



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